

dation that it do pass, with the following committee amendment:

Amend by adding after the word "county," in line 7, Section 5, page 1, the following: "Provided, an original lessee who has not heretofore exercised his right to buy one complement of sections out of one or more leases, and should not hereafter desire to do so, may assign one or more leases to a qualified purchaser, and his assignees shall have the same right to purchase out of the leases one complement of sections, or such number thereof as his assignor may be qualified to purchase, or such number thereof as the assignee may be qualified to purchase."

By adding in Section 6d, after the word "tract" and preceding the sentence beginning with the words "In such cases the assignee shall continue to reside," the following: "Provided, the total tracts so purchased by an assignee prior to the completion of the residence of the vendor, together with the former purchase of the assignee, shall not exceed one complement of sections."

MURRAY, Chairman.

Committee Room,

Austin, Texas, April 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 2, A bill to be entitled "An Act to amend Article 2439, Chapter 1, Title 45, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency,"

Have had the same under consideration, and beg to report the same back with the recommendation that it do pass with the following amendment:

Strike out the figures "\$1.00," in line 11 of Article 2439, page 1, and insert the words "fifty cents."

WILLACY, Chairman.

Committee Room,

Austin, Texas, April 25, 1903.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature providing for the order of a special venire in any district court in a criminal action for a capital offense, so that the said Articles 643 and 644 may hereafter be as follows,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, April 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, A bill to be entitled "An Act providing for the appointment of court bailiffs by the judges of the district courts in certain counties of this State; prescribing their qualifications, the oath to be taken by them, their compensation, their duties and providing for suitable punishment for the violation of the duties imposed upon them, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, April 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Committee Substitute bill for Senate bill No. 2, A bill to be entitled "An Act to amend Articles 5058, 5059 and 5060 of Title CIV, Chapter 1, Revised Civil Statutes of 1895 of the State of Texas, and to add thereto Article 5058a,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 26, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.
Barrett.

Brachfield.
Chambers.

Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Hudspeth.	Terrell.
Kellie.	Watson.
Looney.	Willacy.
Mayfield.	

Absent.

Harbison.	Masterson.
Holsey.	Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth, the same was dispensed with.

(See Appendix for committee reports.)

EXCUSED.

On motion of Senator Chambers, Senator Holsey was excused from attendance upon the Senate for yesterday and today on account of sickness.

On motion of Senator Murray, Senator Veale was excused from attendance upon the Senate for this week on account of business.

On motion of Senator Glasscock, Senator Watson was excused from attendance upon the Senate for last Friday, Monday, Tuesday and Wednesday on account of important business.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

Senate bill No. 52, A bill to be entitled "An Act to amend Article 3219, Chapter 9, of the Revised Civil Statutes, relating to the formation of the jury for the trial of a cause. This article shall not apply to counties having a city of twenty thousand inhabitants, as shown by the last decennial census, with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Skinner (by request):

Senate bill No. 53, A bill to be entitled "An Act providing for the continuance of law suits and providing that if an attorney in or a party to any law suit pending in any court in this State, and set for trial, is a member of the Legislature, and is in actual attendance on the session of the Legislature, that the same shall be a cause for a continuance of any such suit."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Green and others:

Senate Concurrent Resolution No. 1:

Resolved, That the Association of United Confederate Veterans, which will meet in Richmond, Va., on May 31, 1907, be and it is hereby earnestly invited to hold its annual reunion for 1908 in San Antonio, Texas.

Read first time, and laid on table subject to call.

SIMPLE RESOLUTION.

By Senator Senter:

Resolved, That the committees of the Senate are hereby instructed to promptly meet and report all bills now pending before them, and to the end that they may have opportunity to do so no afternoon sessions of the Senate shall be held today or tomorrow, and all committees with bills before them are instructed to meet on the afternoons of said days, and, if possible, to make report upon all bills pending before them on Monday, the 29th inst.

Senator Senter moved the adoption of the resolution, and

Senator Smith moved that the resolution lay on the table subject to call, which motion was adopted.

Morning call concluded.

SENATE CONCURRENT RESOLUTION NO. 1.

On motion of Senator Green, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 1, a resolution inviting the United Confederate Veterans to hold their annual meeting for 1908 at San Antonio, Texas.

The Chair laid the resolution before the Senate, and the same was read and adopted.

SENATE BILL NO. 47.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 47.

The Chair laid before the Senate, on second reading,

Senate bill No. 47, A bill to be entitled "An Act to limit the jurisdiction of the several courts of the State of Texas in suits by parties who are not citizens of this State, and declaring an emergency."

Senator Senter offered the following amendment:

Amend the bill by striking out of line 4, page 1, Section 1, the words "and at the time of the institution of such suits."

Senator Grinnan offered the following substitute for the amendment:

Amend by striking out the word "and," in line 14, page 1, and insert "or."

Senator Hudspeth moved to table the substitute, which motion to table prevailed by the following vote:

Yeas—18.

Alexander.	Looney.
Barrett.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Green.	Senter.
Greer.	Stone.
Griggs.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Nays—8.

Brachfield.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.

Absent.

Cunningham.	Masterson.
Harbison.	

Absent—Excused.

Holsey.	Veale.
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The amendment by Senator Senter was then adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—1.

Grinnan.

Absent.

Cunningham.	Masterson.
Harbison.	

Absent—Excused.

Holsey.	Veale.
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The bill was read third time, and passed by the following vote:

Yeas—25.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—1.

Grinnan.

Absent.

Cunningham.	Masterson.
Harbison.	

Absent—Excused.

Holsey.	Veale.
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Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote "nay" on the passage of Senate bill No. 47 because I believe the railroads will use it to prevent and defeat justice. The bill provides "that no person shall bring a suit for personal injuries in this State, unless the plaintiff at the time of such injury is a bona fide citizen of the State of Texas. Where persons are seriously injured outside of the State, and are non-residents, the railroads will take them to some of their hospitals in Texas, distant from their homes, and inform them that they are without a remedy in Texas, and thus extort from them unjust settlements; trainmen who now enjoy homes in this State would be put on runs, or their runs would be changed so as to necessitate their residence outside of Texas, merely for the purpose of giving the railroads advantage of said law; and if a person should be injured outside of the State while en route to make his home here,

said law would deny him the right to use our courts to adjust his grievances.
GRINNAN.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed

House Concurrent Resolution No. 1, Extending congratulations to the management of the Jamestown Exposition.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 1.

On motion of Senator Alexander, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 1.

The Chair laid before the Senate

House Concurrent Resolution No. 1, Extending congratulations to the management of the Jamestown Exposition. The resolution was read, and adopted.

SENATE BILL NO. 16—RE-REFERRED.

On motion of Senator Smith, Senate bill No. 16, which had been reported, was re-referred to Judiciary Committee No. 2 for purpose of correcting the committee report. The correction was made and the report again submitted.

COMMITTEE SUBSTITUTE SENATE BILL NO. 1.

The Chair laid before the Senate, on second reading,

Committee Substitute Senate bill No. 1, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, Revised Statutes of the State of Texas, relating to charges and instruction to juries."

The question on the bill was the amendment by Senator Smith, which was a substitute for the bill. (See Journal of yesterday for the substitute.)

Senator Meachum made the point of order on the substitute that it was not germane to the bill, and also that same was in conflict with Sections 30 and 37 of the Constitution.

RECESS.

Pending discussion on the above point of order,

On motion of Senator Skinner, the Senate, at 12:10 recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

COMMITTEE SUBSTITUTE SENATE BILL NO. 1.

Action recurred on Committee Substitute Senate bill No. 1, the question being on the point of order by Senator Meachum on the amendment by Senator Smith, and

Senator Smith withdrew the amendment, which was a substitute bill.

Action then recurred on the amendment by Senator Terrell, on yesterday, which was to strike out the enacting clause.

Senator Green offered the following amendment:

Amend the bill by striking out the letter "a" before the word motion, page 5, line 14, and inserting the words "the original" before the word "motion," page 5, line 14.

Senator Terrell moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—12.

Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Grinnan.	Stone.
Harper.	Terrell.
Kellie.	Willacy.

Nays—11.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Senter.
Cunningham.	Skinner.
Green.	Smith.
Greer.	

Absent.

Griggs.	Masterson.
Harbison.	Stokes.
Hudspeth.	Watson.

Absent—Excused.

Holsey.	Veale.
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Senator Senter offered the following amendment:

Amend the bill, page 5, line 18, by

substituting the word "would" for the word "might."

Pending.

Senator Smith offered the following substitute for the amendment:

Amend Section 1 of the bill by striking out all after the word "case," line 17, page 5, and insert therefor the following: "In the opinion of the court, to which application is made, some substantial wrong or a miscarriage of justice was thereby occasioned on the trial."

Pending.

Senator Meachum made the point of order that an amendment containing practically the same subject matter had been voted down by the Senate.

The Chair overruled the point of order.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed

Senate Concurrent Resolution No. 1, Inviting the United Confederate Veterans to hold their next annual reunion at San Antonio, Texas, with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

COMMITTEE SUBSTITUTE SENATE BILLS NOS. 41 AND 43— MADE SPECIAL ORDER.

On motion of Senator Barrett, the pending order of business (Senate bill No. 1), was suspended, and the Senate took up, out of its order, Committee Substitute Senate bills Nos. 41 and 43.

The Chair laid before the Senate, on second reading,

Committee Substitute Senate bills Nos. 41 and 43, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit there-

for, and providing penalties for the violations of the provisions of this act."

On motion of Senator Barrett, the bill was made a special order for Monday morning, immediately after the conclusion of the morning call.

ADJOURNMENT.

Senator Stone, at 4:30 p. m., moved that the Senate adjourn until Monday morning at 10 o'clock, which motion prevailed by the following vote:

Yeas—13.

Brachfield.	Kellie.
Chambers.	Meachum.
Faust.	Stokes.
Glasscock.	Stone.
Greer.	Terrell.
Harper.	Watson.
Hudspeth.	

Nays—11..

Alexander.	Paulus.
Barrett.	Senter.
Green.	Skinner.
Griggs.	Smith.
Grinnan.	Willacy.
Looney.	

Absent.

Cunningham.	Mayfield.
Harbison.	Murray.
Masterson.	

Absent—Excused.

Holsey.	Veale.
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APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Committee Room,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 16, A bill to be entitled "An Act to regulate the practice in the district and county courts; the charge of the court; the waiver; the waiver of errors; the granting of new trials in the trial and appellate courts, and with an emergency clause,"

Have had the same under consideration, and we report same back to the

Senate with the recommendation that it do pass, and be not printed.

Stone, Chairman; Brachfield, Paulus, Harper, Meachum, Griggs, Skinner, Chambers.

(Floor Report.)

Committee Room,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act to regulate the practice in the district, county and appellate courts and Supreme Court of the State, and with an emergency clause,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

Stone, Chairman; Brachfield, Harper, Green, Meachum, Chambers, Skinner.

(Floor Report.)

Committee Room,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act to amend Article 1092, Chapter 2, Title 15, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Looney, Chairman; Paulus, Cunningham, Greer, Stokes, Alexander, Watson, Hudspeth.

Committee Room,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 47, A bill to be entitled "An Act to limit the jurisdiction of the several courts of the State of Texas, in suits by parties who are not citizens of this State, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, April 29, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names.

Alexander.	Looney.
Barrett.	Meachum.
Brachfield.	Murray.
Cunningham.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Hudspeth.	Willacy.
Kellie.	

Absent.

Chambers.	Masterson.
Faust.	Mayfield.
Harbison.	Veale.
Holsey.	Watson.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

By Senator Griggs:

Senate bill No. 54, A bill to be entitled "An Act to amend Chapter 4, Title XXI, Revised Statutes of Texas of 1895, by amending Article 672 and by adding thereto Article 672a, relating to liability of stockholders, prescribing rules of practice and procedure for the enforcement of said laws and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

SENATE BILLS NOS. 41 AND 43.

The Chair laid before the Senate, as special order, Senate bills Nos. 41 and 43, the State Text-Book Bills.

SENATE CONCURRENT RESOLUTION NO. 1—HOUSE AMENDMENTS CONCURRED IN.

Senator Alexander called up, as privilege matter, Senate Concurrent Resolution No. 1 for the purpose of concur-